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BARNES & THORNBURG P.O. BOX 2786 CHICAGO, IL 60690-2786			PATEL, HARESH N	
			ART UNIT	PAPER NUMBER
			2154	
DATE MAILED: 05/19/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/878,874

Applicant(s)

MCCORMACK ET AL.

Examiner

Haresh Patel

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 19-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 19-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-15, 19-25, are presented for examination. Claims 16-18 have been cancelled.

Response to Arguments

2. Applicant's arguments filed 11/26/2004 have been fully considered but they are not persuasive. Therefore, rejection of claims 1-15, 19-25 is maintained.

Applicant argues, (1) "Combined teachings of Newman et. al, Virtual room videoconferencing system, US 2003/0037109 A1, Feb. 20, 2003 (Hereinafter Newman) and applicant's admitted prior art (Hereinafter AAPA) does not disclose the amended limitations, about a future call and routing without further user input". The examiner respectfully disagrees in response to applicant's arguments. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies, "about a future call and routing without further user input", are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). What is claimed is, "instructing a telephony switch to automatically set up a telephone call between the source and destination specified in the URI over the communications network" and "a browser which includes a calendar, call source and source destination information". Please refer to the below rejections of this office action to the presented amended claims. Therefore, the rejection is maintained.

Response to Amendment

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3. The amendment filed 11/26/2004 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

claim 9, addition of limitations, "automatically programming a feature key at a telephone terminal at a user location".

claim 24, addition of limitations, "to enter information which is captured in the URI".

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Objections

4. Newly presented claims 19-21, 24, 25 are objected to because of the following informalities:

Claims 19-21, 24 and 25 mentions, "A web-based telephony application as claimed in claim", which is incorrect. It should be "The web-based telephony application as claimed in claim". Also claim 25 contains incomplete sentences, "feature key information; time zone information; address information; protocol information"

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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5. Claims 9 and 24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art to use and/or make the invention.

6. The specification does not contain subject matter containing any software or hardware to implement limitations, “automatically programming a feature key at a telephone terminal at a user location”, as cited in claim 9 (note: claim 9 was rejected in the non-final office action, dated 8/23/2004). Also, the applicant-cited page 11 line 22 to page 12 line 21 of the specification, discloses about “automatically establishing”. The limitations as claimed, “automatically programming a feature key at a telephone terminal at a user location”, is not disclosed in the specification.

7. The specification does not contain subject matter containing any software or hardware to implement limitations, “to enter information which is captured in the URI”, as cited in claim 24. Also, the applicant-cited page 11 line 22 to page 12 line 21 of the specification, discloses about “URI”, which is created after the information is entered. The limitations, “to enter information captured in the URI”, i.e., entering the information of the captured URI, is not disclosed in the specification.

Examiner has reviewed the specification (OCR whole document) and could not find support for the additional limitations as claimed.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

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8. Claims 19 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 19 recite the limitations, "the basis of the time information", "the URIs". There is insufficient antecedent basis for this limitation in the claim. Since, multiple "URIs" exist in the claim, it is not clear which "URIs" is referred by theses limitations.

Claim 23 recite the limitations, "the specified time". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-8, 10-15, 22, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newman in view of AAPA and Farris et al., 6,574,216 (Hereinafter Farris).

11. As per claims 1, 11, 22 and 23, Newman teaches a method of establishing a telephone call over a communications network at a specified time (e.g., paragraph 40, col., 3) using a web-based telephony application (e.g., figure 6C, paragraph, 18, page 2) for establishing a telephony communication over a communication network (e.g., figure 10, paragraph 77, col., 5) comprising:

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(i) accessing a message comprising the specified time and also comprising information about a call source and destination (e.g. paragraph 64, page 4 and paragraph 17, pages 1-2); and

(ii) at the time specified in the message, instructing a telephony switch to set up a telephone call between the source and destination specified in the message (e.g. paragraph 64, page 4 and paragraph 17, pages 1-2) to effect /over the communications network (e.g., figure 10, paragraph 77, col., 5), an input arranged to access a message (e.g., figure 6C, paragraph, 18, page 2) comprising the specified time (e.g., paragraph 40, col., 3) and information about a call source and call destination (e.g. paragraph 64, page 4 and paragraph 17, pages 1-2), a computer program arranged / signal (e.g., figure 6C, paragraph, 18, page 2) to control a telephony switch to setup a telephone call (e.g. paragraph 64, page 4 and paragraph 17, pages 1-2) / connect the source and destination at the specified time to route (e.g., paragraph 48, col., 3) the telephony communication.

Newman also discloses use of directory name service (e.g., paragraph 64, page 4) and the messages that can be used to send or receive containing scheduling information (e.g., paragraph 84, page 6).

However Newman does not specifically mention about use of uniform resource identifier (URI). AAPA discloses the well-known use of uniform resource identifier (URI) and Directory Number (DN) information (e.g., lines 15 – 18, page 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Newman with the teachings of AAPA in order to facilitate use of uniform resource identifier (URI) because the usage of URI would help support messaging mechanism to schedule a teleconference using any messaging means that can help schedule the

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teleconference. The URI would help implement the messaging mechanism to send/receive messages among the devices used for establishing the telephone call over the communication network at a specified time using a web-based telephony application.

Newman and AAPA do not specifically mention about switch to automatically set up a call. Farris discloses the well-known concept of switch to automatically set up a call (e.g., col., 5, lines 3 – 12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Newman and AAPA with the teachings of Farris in order to facilitate switch to automatically set up a call because the switch would help set up a call without manual intervention. The call set up by the switch would help users to communicate with each other.

12. As per claim 2, Newman, AAPA and Farris teach the claimed limitations rejected under claim 1 and Newman also teaches the following:

receiving the message from another entity selected from a web site and a software application on a user terminal (e.g., paragraph 63, page 4).

13. As per claim 3, Newman, AAPA and Farris teach the claimed limitations rejected under claim 1 and Newman also teaches the following:

receiving the message from a web-based conference call booking application (e.g., figure 6C, paragraph, 18, page 2).

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14. As per claim 4, Newman, AAPA and Farris teach the claimed limitations rejected under claim 1 and Newman also teaches the following:

accessing a message comprises receiving the message from a calendar application on a user terminal (e.g., figure 6C, paragraph, 18, page 2).

15. As per claim 5, Newman, AAPA and Farris teach the claimed limitations rejected under claim 1 and Newman also teaches the following:

said message comprises time zone information (e.g., figure 6A, paragraph, 68, page 5).

16. As per claim 6, Newman, AAPA and Farris teach the claimed limitations rejected under claim 1 and Newman also teaches the following:

said information about the call destination comprises a director number (DN) (e.g., paragraph 64, page 4, and paragraph, 68, page 5).

17. As per claim 7, Newman, AAPA and Farris teach the claimed limitations rejected under claim 1 and Newman also teaches the following:

said URI comprises a plurality of directory numbers and a plurality of time ranges, one for each directory number (e.g., paragraph 64, page 4, and paragraph, 68, page 5).

18. As per claim 8, Newman, AAPA and Farris teach the claimed limitations rejected under claims 1 and 7 and Newman also teaches the following:

instructing the telephony switch to automatically set up a telephone call to one of the directory numbers depending on a current time and a time range (e.g., paragraph 64, page 4, and paragraph, 68, page 5).

19. As per claim 10, Newman, AAPA and Farris teach the claimed limitations rejected under claim 1 and Newman also teaches the following:

instructing the telephony switch to display the message at a telephone terminal at the call Source (e.g., paragraph 63, page 4).

20. As per claims 12-15, the claims are rejected for the same reasons as above-rejected claims 1 to 8, 10 and 11.

21. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Newman, AAPA and Farris in view of Grandgent et al, Audio conferencing system and method, U.S. 2003/0021400 A1, Jan. 30, 2003 (Hereinafter Grandgent) and Jung, 5,933,482.

22. As per claim 9, Newman and AAPA disclose the claimed limitation as rejected under claim 1. However, Newman, AAPA and Farris do not specifically mention about “automatically programming a feature key at a telephone a location with the specified time such that the properties of that feature key change at the specified time”.

Grandgent discloses automatically programming a feature key at a telephone terminal at a location with the specified time (e.g., paragraph 82, page 5) such that the properties of that feature key change at the specified time (e.g., paragraph 82, page 5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Newman, AAPA and Farris with the teachings of Grandgent in order to facilitate automatically updating properties supported by a feature key at a telephone terminal with the specified time because the feature key would help access the properties. The updated properties would help process the functionality supported at a telephone terminal.

Newman, AAPA, Farris and Grandgent do not specifically mention about a user accessing the terminal.

Jung discloses the well-known concept of a user accessing the terminal (e.g., col., 7, lines 5 – 13, col., 1, lines 58 – 67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Newman, AAPA, Farris and Grandgent with the teachings of Jung in order to facilitate a user accessing the terminal because the user would help use the terminal. The terminal handled by the user would help the user to communicate with other user.

23. Claims 19, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newman, AAPA and Farris in view of Leong et al., 5,996,010 (Hereinafter Leong) and Schuster et al., 6,857,021 (Hereinafter Schuster).

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24. As per claims 19 and 20, Newman, AAPA and Farris teach the claimed limitations rejected under claim 11 and Newman also teaches the following:

a web-browser (e.g., paragraph 63, col., 4) which is arranged (e.g., paragraph 63, col., 4) to receive information (e.g., paragraph 63, col., 4).

However, Newman, AAPA and Farris do not specifically mention about a plurality of URIs and to select one of those URIs on the basis of the information in each of the URIs and a parser arranged to parse URIs.

Lenong discloses the well-known concept of having a plurality of URIs (e.g., URI directory with several URIs, figure 4) and to select (e.g., use of parser to parse URIs, col., 9, lines 4 – 28) one of those URIs (e.g., URI directory with several URIs, figure 4) on the basis of the information (e.g., col., 3, lines 27 – 34) in each of the URIs (e.g., URI directory with several URIs, figure 4) and a parser arranged to parse URIs (e.g., use of parser to parse URIs, col., 9, lines 4 – 28).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Newman, AAPA and Farris with the teachings of Lenong in order to facilitate parsing of multiple URIs because the parsing would help separate the URIs and the information. The parsed information would help the software to support processing the information contained in the URIs.

Newman, AAPA, Farris and Lenong do not specifically mention about URIs each comprising time information.

Schuster discloses the well-known concept of URIs each comprising time information (e.g., col., 25, lines 28 – 44, col., 16, lines 2 - 8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Newman, AAPA, Farris and Lenong with the teachings of Schuster in order to facilitate URIs each comprising time information because the time information would help the software know when to process an event related to the time information. The software would help process the time information related event to support processing the information contained in the URIs.

25. As per claim 21, Newman, AAPA and Farris teach the claimed limitations rejected under claim 11 and Newman also teaches a processor (e.g., figure 10) which is connected to the communications network (e.g., figure 10).

However, Newman, AAPA and Farris do not specifically mention about a plurality of URIs.

Lenong discloses the well-known concept of having a plurality of URIs (e.g., URI directory with several URIs, figure 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Newman, AAPA and Farris with the teachings of Lenong in order to facilitate having plurality of URIs because multiple URIs would handle several different information supported by the URIs.

Newman, AAPA, Farris and Lenong do not specifically mention about URIs are created which comprise time information and sent to other entities within an internet protocol communications network for the purpose of establishing a telephony call.

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Schuster discloses the well-known concept of URIs are created (e.g., col., 14, lines 26 – 38, col., 16, lines 2 - 8) which comprise time information (e.g., col., 25, lines 28 – 44, col., 16, lines 2 - 8) and sent to other entities (e.g., col., 12, lines 18 – 34) within an internet protocol communications network (e.g., col., 12, lines 31 – 42) for the purpose of establishing a telephony call (e.g., col., 4, lines 3 – 9).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Newman, AAPA, Farris and Lenong with the teachings of Schuster in order to facilitate URIs each comprising time information because the time information would help the software know when to process an event related to the time information. The software would help process the time information related event to support processing the information contained in the URIs. The URIs sent to other entities over the network would help support the communication between users.

26. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Newman, AAPA and Farris in view of Smythe et al., 6,418,214 (Hereinafter Smythe) and Goodspeed, 2002/0065828 (Hereinafter Goodspeed).

27. As per claim 24, Newman, AAPA and Farris teach the claimed limitations rejected under claim 11 and Newman also teaches a web-browser (e.g., paragraph 63, col., 4) which includes a calendar (e.g., figure 6C).

However, Newman, AAPA and Farris do not specifically mention about call source and source destination information and which can be used to enter information.

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Smythe discloses the well-known concept of using call source (e.g., col., 7, lines 30 – 49, figure 3) and source destination information (e.g., col., 7, lines 30 – 49, figure 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Newman, AAPA and Farris with the teachings of Smythe in order to facilitate usage of call source and source destination information because the source destination information would help the browser to display information for the user.

Newman, AAPA, Farris and Smythe do not specifically mention about information which can be used to enter information which is captured in the URI.

Goodspeed discloses the well-known concept of using information which can be used (e.g., paragraph 10, col., 2) to enter information (e.g., paragraph 11, col., 2) which is captured in the URI (e.g., paragraph 10, col., 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Newman, AAPA, Farris and Smythe with the teachings of Goodspeed in order to facilitate entering information related to the URI because the entered information would help the software to handle URI for processing the call.

28. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Newman, AAPA and Farris in view of Goodspeed and Schuster.

29. As per claim 24, Newman, AAPA and Farris teach the claimed limitations rejected under claim 11. Newman, AAPA and Farris do not specifically mention about URI includes, password information; feature key information; time zone information; address information; protocol information.

Goodspeed discloses the well-known concept of URI (e.g., paragraph 10, col., 2) includes, password information (e.g., paragraphs 67 – 69); feature key information (e.g., paragraph 333, page 22); time zone information (e.g., paragraph 333, page 22); address information (e.g., paragraph 333, page 22).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Newman, AAPA and Farris with the teachings of Goodspeed in order to facilitate URI including password information because the password information would help authenticate information related to the URI. The software would help handle password information for processing the call.

Newman, AAPA, Farris and Goodspeed do not specifically mention about protocol information.

Schuster discloses the well-known concept of using protocol information (e.g., usage of SIP URI, col., 16, lines 1 – 9).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Newman, AAPA, Farris and Goodspeed with the teachings of Schuster in order to facilitate usage of protocol information because the protocol information would help support formatting the information related to the URI. The software would help handle protocol information for processing the call.

Conclusion

30. The prior art made of record (forms PTO-892 and applicant provided IDS cited arts) and not relied upon is considered pertinent to applicant's disclosure.

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THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Haresh Patel

May 13, 2005

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